

PHILLIP DUTTENHAVER.

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FEBRUARY 1, 1904.—Committed to the Committee of the Whole House and ordered to be printed.

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Mr. HOLLIDAY, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 3011.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3011) granting an increase of pension to Philip Duttenhaver, submit the following report:

This bill proposes to increase the pension of the soldier named therein from \$12 to \$50 per month.

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Phillip Duttenhaver, now 59 years of age, served as a private in Company L, Fifteenth Illinois Cavalry, from December 23, 1863, to September 18, 1865, when discharged as of Company L, Tenth Illinois Cavalry, to which transferred.

Medical records show that he was under treatment in July, 1864, for remittent fever; in August and September, 1864, for intermittent fever; from September 3 to November 5, 1864, convalescing; that he was furloughed, readmitted November 18, 1864, and returned to duty December 30, 1864; that he was admitted to hospital at Shreveport, La., June 25, 1865, with epilepsy, transferred to hospital at Baton Rouge, La., July 10, 1865, with same disability, and transferred to hospital at Jefferson Barracks, Mo., September 5, 1865, with the same disability.

He is now pensioned under the act of June 27, 1890, at \$12 per month for total disability, due to disease of spleen and loss of right leg.

He filed a claim to pension under the general law on September 11, 1884, alleging that while at Helena, Ark., about the middle of April, 1864, he was disabled by ague resulting in enlargement of the spleen and in the formation of an ague cake in the left side.

This claim was rejected in April, 1901, upon the ground of claimant's declared inability to furnish testimony showing the continuance of the alleged ague resulting in enlargement of the spleen, etc., from the date of his discharge to about 1880.

The beneficiary, in an affidavit filed in the Pension Bureau in March, 1900, testified that the reason why he could not furnish testimony as to the continued existence of malaria from 1865 to 1880 was owing to the fact that he never at any time made any complaint to any person concerning his trouble from disease of the spine; that he felt all the time that he could outgrow the trouble and hence was not in the habit of complaining.

He filed medical testimony as to treatment from 1885 to 1890 for an enlargement of the spleen of probable malarial origin.

He applied for pension under the act of June 27, 1890, on July 19, 1890, alleging that he was then suffering from a running sore on his right leg, dyspepsia, and enlargement of the spleen.

When first examined, in December, 1884, the board stated that the soldier was suffering from enlarged spleen and displacement of the same, and that he was anæmic, etc.

When examined on August 20, 1890, under his claim under the act of June 27, 1890, he was rated \$6 for disease of the right leg and \$6 for malarial poisoning, and he then told the board of surgeons that he had a running sore on his right leg just above the knee, and the board of surgeons found a large open sore at the lower and back part of the femur, just above the external condyle, with a sinus leading inward and upward to the shaft, believed by the surgeons to be a result of periostitis.

In 1899 this disease of the right leg caused such a disability as to be equivalent to the loss of a hand or a foot, and the surgeons then rated him \$24 for the same.

In December, 1903, the soldier alleged that for several years prior to May 20, 1893, when his right leg was amputated, the sore on the leg steadily increased and undermined his general health to such an extent that in the spring of 1903 it was decided to amputate the leg; and the last medical examination of the soldier, made August 19, 1903, shows amputation of the right leg at the upper third of the limb, and also found him to be suffering from stomach trouble and enlarged spleen.

In an affidavit filed with your committee the soldier sets forth that about two months after his discharge from the service a sore appeared on the side of the knee of the right leg; that this finally developed into a running sore, compelling the use of a cane, finally resulting in amputation of the limb; that he has no income and no property except a house and lot at Kentland, Ind., valued at \$1,200 and encumbered at \$900, and that he is now wholly unable to perform any labor to support himself and wife.

The soldier's statement in regard to his financial condition and inability to labor are fully corroborated by testimony filed with the committee.

In view of the soldier's serious physical condition and the fact that the malarial poisoning shown since 1880 was undoubtedly a result of the malarial poisoning of service origin for which he was treated in July, August, and September, 1864, an increase of his pension from \$12 to \$24 per month seems proper.

The passage of the bill is therefore recommended when the same shall have been amended as follows:

In line 6 strike out the word "Philip" and insert in lieu thereof the word "Phillip."

In same line, after the letter "L," insert the words "Fifteenth Regiment and Company L."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Phillip Duttenhaver."